



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,091	10/02/2003	Tsuneo Takashima	00862.023263	8388
5514	7590	07/05/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			LE, DANG D	
30 ROCKEFELLER PLAZA			ART UNIT	
NEW YORK, NY 10112			PAPER NUMBER	
			2834	

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/676,091	Applicant(s) TAKASHIMA, TSUNEO	
	Examiner Dang D. Le	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5, 8, 9, 11, 12 and 18 is/are allowed.
- 6) ☒ Claim(s) 1, 6, 7, 10, 13-17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/19/05 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 6, 7, 10, 13-17, and 19-26 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 6, 7, 10, 14-17, 20, 21, and 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Trumper (5,196,745).

Regarding claim 1, Trumper shows a bearing assembly (Figures 1-4) comprising:

- A guide (18) having a top side provided with a guide surface comprising a magnetic body (26B);

Art Unit: 2834

- A moving body (16) which moves along the guide surface;
- A first movable guide (20A) which moves along the guide surface and moves said moving body in a first direction (X direction),
- A second movable guide (20B) which moves along the guide surface and moves said moving body in a second direction (Y direction) which is orthogonal to the first direction;
- A bearing (40 and 42) provided on a portion of said first and second movable guides that opposes the guide surface; and
- A magnet (20B, column 5, lines 55-57), which has an opposing surface that opposes the guide surface, provided on said first and second movable guides for the purpose of applying a magnetic attractive force (column 12, lines 55-57) between said first and second movable guides and the guide surface;
- Wherein the guide surface has edges (sides of the poles 26B) to define a size of the guide surface in a width direction (X) which is orthogonal to a traveling direction (Y) of each of said first and second movable guides so as to limit displacement of said first and second movable guides in the width direction, to an allowable range, using a magnetic attractive force of said magnet in a direction parallel to the guide surface.

Regarding claims 6, 7, 10, and 14-16, it is noted that Trumper also shows all of the limitations of the claimed invention.

Regarding claims 17 and 24, these claims are similar to claims 1, 15, and 16. As a result, they are also rejected.

Regarding claims 20 and 25, these claims are similar to claims 1, 15, and 16.

As a result, they are also rejected.

Regarding claims 21 and 26, these claims are similar to claims 1, 15, and 16.

As a result, they are also rejected.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 13, 19, 22, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Trumper in view of Miyajima et al. (6,266,133).

Regarding claims 13, 19, 22, and 23, Trumper shows all of the limitations of the claimed invention except for a hydrostatic bearing.

Miyajima et al. shows a hydrostatic bearing for the purpose of supporting the stage device.

Since Trumper and Miyajima et al. are all from the same field of endeavor; the purpose disclosed by one inventor would have been recognized in the pertinent art of the others.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to include a hydrostatic bearing as taught by Miyajima et al. for the purpose discussed above.

Allowable Subject Matter

8. Claims 2-5, 8, 9, 11, 12 and 18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the record of prior art does not show an apparatus comprising size of the guide surface in the width direction being defined by a groove, which extends along the traveling direction, provided in the top side of said guide, and a terminus, which extends along the traveling direction, of the top side of said guide as shown in claim 2, or the top side of said guide being provided with a protrusion, which extends along the traveling direction, so as to oppose said magnet, and said guide surface is formed by the top side of said protrusion opposing the magnet as shown in claim 3, or the guide having a first groove extending along the first direction and a second groove extending along the second direction on the surface, and wherein the movement of said first guide is limited

Art Unit: 2834

by the first groove and the movement of said second guide is limited by the second groove as shown in claim 18.

Information on How to Contact USPTO

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dang D Le whose telephone number is (571) 272-2027. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

6/28/05

A handwritten signature in black ink, appearing to read 'Dang D Le', is written over a light gray grid background.

DANG LE
PRIMARY EXAMINER